

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAGNAVOX COMPANY, and
SANDERS ASSOCIATES, INC.,

Plaintiffs,

v.

APF, ET AL.,
BALLY, ET AL.,
MONTGOMERY WARD, ET AL.,
K MART CORPORATION,
and MATTEL, INC., ET AL.

Defendants.

MAY 19 1982

FILED

'82 MAY 18 P2:28

Judge George N. Leighton

Civil Action No. 77 C 3159 ✓

Civil Action No. 78 C 4951 ✓

Civil Action No. 78 C 5041 ✓

Civil Action No. 80 C 2409 ✓

Civil Action No. 80 C 4124 ✓

SECOND STATUTORY NOTICE BY MATTEL PURSUANT TO 35 USC §282

The MATTEL, et al defendants, pursuant to 35 USC §282, hereby notify plaintiffs of those patents and publications, which as presently advised, may be relied upon as anticipation of the patent-in-suit or as showing the state of the art, and of the names of persons who may be relied upon as the prior inventor or as having prior knowledge of or as having previously used or offered for sale the alleged invention of the patent-in-suit.

104

UNITED STATES PATENTS

<u>Patent No.</u>	<u>Date</u>	<u>Patentee</u>	<u>TITLE</u>
3,396,377	08/06/68 *06/29/64	Strout	Display Data Processor
3,528,068	09/08/70 *02/24/67	Johnson	Device for Converting Binary Coded Digital Information to Symbol Form for Video Display
3,345,458	10/03/67 *10/16/63	Cole, et al.	Digital Storage and Generation of Video Signals
3,135,815	06/02/64 *09/01/60	Spiegel	Method for the Representation of the Movement of Two Bodies By Means of Electron Beams and Apparatus for Carrying out this method.
3,317,383	05/02/67 *02/12/64	Neumeister	Picture Tube with symbol Displacement by Manually Actuated Symbol.
3,453,384	07/01/69 *12/07/65	Donner, et al.	Display System with increased Manuel (sic) Input Data Rate
3,497,613	02/24/70 *03/25/66	Botjer, et al.	Display Device with Video Signals Interband In Segments of a Cyclical Storage.
3,413,610	11/26/68 *12/29/65	Botjer, et al.	Display Device with Synchronized Video and BCD Data in a Cyclical Storage.

*Denotes filing date of patent.

PUBLICATIONS

Carr, "Displays in Air Traffic Control Terminals", 10th National Symposium on Information Display (May 27-29, 1969), pp. 167-179.

Keast, "Survey of Graphic Input Devices For Computer-Aided Design", Machine Designs (August 1967), pp. 114-120.

Hendrickson, "A High-Precision Display System For Command and Control", AGARD 11th Symposium on Display for Command and Control (November 7-10, 1966), pp. 235-245.

Rose, "'Intergraphic,' A Microprogrammed Graphical-Interface Computer", IEEE Trans. on Elects. Computers (Dec. 1967) pp. 773-784.

Noyce, "Making Integrated Electronics Technology Work". IEEE Spectrum, (May 1968) pp. 63-68.

Hobbs, "Present and Future State-of-the-Art in Computer Memories", IEEE Trans. on Elects. Computers (Aug 1966) pp. 534-550.

Holthaus, et al., "An Evaluation of Orbital Rendezvous Displays Through Simulation", SID 5th National Symposium on Information Display (1965), pp. 39-60.

Publications for CC-30:

- (a) MDX-50: CC-30 Advertisement, Datamation (January, 1967), p. 19.
- (b) MDX-51: CC-30 Advertisement, Datamation (July 1967), p. 74.
- (c) MDX-59: Advertisement for CC-30 (February 1967)
- (d) MDX-60: Advertisement for CC-30
- (e) MDX-62: Manual for CC-30 (April 1, 1969)
- (f) MDX-63: Computer Data Display (1969) pp. 327-333.
- (g) MDX-41: Manual for CC-30 (April 1, 1968)
- (h) MDX-42: Prints and Wire Tabs for CC-30 (1967).
- (i) MDX-70: Drawings for Interface of CC-30 To IBM 1130
- (j) MDX-73: CCI Drawing of Printed Circuit Schematic Diagram.
- (k) IBM 1130 System Summary

space was

- (a) Russell DX-3: Brochure
- (b) Russell DX-5: Paper Tape
- (c) Russell DX-6: Paper Tape
- (d) Russell DX-7: Paper Tape
- (e) Russell DX-8: Paper Tape
- (f) Russell DX-9: Computer Listing
- (g) Russell DX-10: Paper Tape
- (h) Russell DX-11: Program Listing
- (i) Russell DX-12: Paper Tape
- (j) Russell DX-13: Paper Tape
- (k) Russell DX-14: Paper Tape
- (l) Russell DX-15: Paper Tape
- (m) Russell DX-16: Paper Tape
- (n) Russell DX-19: Paper Tape
- (o) Russell DX-20: Paper Tape
- (p) Russell DX-21: Paper Tape
- (q) Russell DX-22: Paper Tape
- (r) Russell DX-23: Paper Tape
- (s) Russell DX-24: Paper Tape
- (t) Russell DX-25: Paper Tape
- (u) Russell DX-26: Galaxy (August 1963).
- (v) Russell DX-27: Analog (July 1971)
- (w) Russell DX-28: Master Drawing Lists
- (x) Russell DX-29: Digital Equipment Corporation Drawings
- (y) Russell DX-30: "Artificial Intelligence Project Memos"
- (z) Russell DX-31: "Stanford Artificial Intelligence Laboratory Operating Notebook"

- (aa) Russell DX-32: "Space War Listing"
- (ab) Russell DX-33: PDP-1 Program Library
- (ac) Russell DX-34: "Space War Papers"
- (ad) Russell DX-35: "Macro Assembly Program For PDP-1"
- (ae) Russell DX-36: PDP-1 Manual
- (af) Russell DX-37: Computer Listing
- (ag) Russell DX-38: D.E.C. PDP-1 Logic Diagrams

- (ah) MIT DX-3: Tech Talk (July 3, 1963)
- (ai) MIT DX-4: Logbook
- (aj) MIT DX-5: Logbook
- (ak) MIT DX-6: Logbook
- (al) MIT DX-7: Logbook
- (am) MIT DX-9: Paper Tape and Listing
- (an) MIT DX-10: PDP-1 Handbook
- (ao) MIT DX-11: Paper Tape
- (ap) MIT DX-12: Paper Tape
- (aq) MIT DX-13: Paper Tape
- (ar) MIT DX-14: Paper Tape
- (as) MIT DX-15: Paper Tape
- (at) MIT DX-16: Paper Tape
- (au) MIT DX-17: Cardboard box containing punched paper tapes
- (av) MIT DX-18: Paper Tape
- (aw) MIT DX-19: Paper Tape
- (ax) MIT DX-20: DECUSCOPE (April 1962)
- (ay) MIT DX-21: DECUS program library (November 1969)

- (ba) MIT DX-23: DECUS Proceedings (1962)
- (bb) MIT DX-24: DECUS document (March 1965)
- (bc) MIT DX-25: Group of Blueprints
thru
45
45-A,
46
thru
48
- (bd) MIT DX-49: Four-page card containing listing of PDP-1
order code.
- (be) MIT DX-50: PDP-1 Advertisement
- (bf) MIT DX-51: Copy of PDP-1 maintenance manual, reserved
- (bg) MIT DX-52: Logbook (February 24, 1965 to July 21, 1965)
- (bh) MIT DX-53: Logbook (July 20, 1965 to December 2, 1965)
- (bi) MIT DX-54: Logbook (December 2, 1965 to April 20, 1966)
- (bj) MIT DX-55: Logbook (April 20, 1966 to October 18, 1966)
- (bk) MIT DX-56: Logbook (October 19, 1966 to March 29, 1967)
- (bl) MIT DX-57: Directory of programs
- (bm) MIT DX-58: Type 30 display book, reserved
- (bn) MIT DX-59: Type 30 display circuit diagram
- (bo) Sauter DX-3: Space War program listing
- (bp) Samson DX-2: MIT Publication "Techtalk" (April 25, 1963)
- (bq) Samson DX-4: MIT Publication "Techtalk" (March 10, 1965)
- (br) Samson DX-5: MIT Publication "Techtalk" (Dec. 31, 1963)
- (bs) Samson DX-6: MIT Student Publication "The Tech"
(April 3, 1963)
- (bt) Samson DX-7: MIT Student Publication "The Tech"
(April 24, 1963)
- (bu) Samson DX-8: MIT Student Publication "The Tech"
(May 1, 1963)
- (bv) Samson DX-9: MIT Student Publication "The Tech"
(April 22, 1964)

- (bw) Samson DX-16: Copy of Logbook bearing legend "PDP-1 #1, 9-15-61 to 3-12-62"
- (bx) Samson DX-17: Copy of Logbook bearing legend "PDP-1 #2, 3/12/62 to 8/15/62 w/accompanying green sheet"
- (by) Samson DX-18: Copy of Logbook bearing legend "PDP-1 #3, 8/15/62 to 10/29/62 w/accompanying green sheet"
- (bz) Samson DX-19: Copy of PDP Logbook with pages (1/1/63 to 6/28/63)
- (ca) Samson DX-21: Brochure entitled "PDP-1 Computer and Spacewar"
- (cb) Samson DX-22: Pages from December 7, 1972 issue of Rolling Stone Magazine
- (cc) Nelson DX-3: Handbook for PDP-1 Computer

RCA Computer Pool Video Game:

- (a) RCA DX-1: Program for Open House and 25th Anniversary
- (b) RCA DX-2: Invited Guest List
- (c) RCA DX-3: Invited Guest List
- (d) RCA DX-4: Description of Guided Tours at the RCA Open House
- (e) RCA DX-5: Interdepartmental Correspondence RCA Laboratories dated 8/31/67
- (f) RCA DX-6: Newspaper Article entitled "Electronic Pool Shark" and List of Newspapers carrying the Article and List of Press in Attendance at Open House
- (g) RCA DX-7: List of Potential Exhibits from Section 10 for the Open House
- (h) RCA DX-8: Hours Charged by RCA Employees for Open House
- (i) RCA DX-9: 16mm Motion Picture of RCA Pool Game
- (j) RCA DX-10: Photograph of Pool Game Display
- (k) RCA DX-11: Computer-In-The-Home Study Article dated April 1967
- (l) RCA DX-12: Photograph of CRT Display

- (m) RCA DX-13: Spectra 70, All Systems, Systems Information Manual
- (n) RCA DX-14: Spectra 70, System 70/25, Training Manual
- (o) RCA DX-15: Spectra 70, Systems Information Manual

MIDSAC - University of Michigan Computer Pool Game:

- (a) Brown DX-1: Description of the University of Michigan MIDSAC Computer
- (b) Brown DX-2: Diagrams, flow charts, and collision calculations regarding the program for the University of Michigan Computer Pool Game.
- (c) Brown DX-3: Diagrams, flow charts, and collision calculations regarding the program for the University of Michigan Computer Pool Game.
- (d) Brown DX-4: Journal of the Association for Computing Machinery, Volume 1, No. 4, October, 1954, pages 177 to 182.
- (e) Brown DX-5A: Chicago Sunday Tribune, June 27, 1954, page 1.
- (f) Brown DX-6: Digital Computer Newsletter, Volume 6, No. 3, July 1954, pages 139, 143 and 144.
- (g) Computers and Automation, Volume 3, No. 7, September 1954, pages 26 and 28.
- (h) Journal of the Association for Computing Machinery, Volume 1, No. 3, July 1954, page 137.

Public Knowledge, Public Use or Prior Inventions

- (a) The video game entitled "Space War" used and known at the Massachusetts Institute of Technology and at Sanford University prior to 1967 and known to deponents Russell, Samson, Sauter, McKenzie and to Alan Kotoc of D.E.C., Marlboro, Massachusetts.
- (b) The video game of pool and billiards shown at the RCA Open House in 1967 and known to deponents Cooke, Teger, and Lechner.
- (c) The video games of pool and billiards known, used and displayed by 1969, by Information Display, Inc. and known to Carl Machover, Machover Associates, 199 Main Street, White Plains, New York 10601, and known to Mr. Ollie Branner of Information Display, Inc., Armonk, New York, and programmed, upon belief, by Mr. Frank Greterex.

- (d) The video game known as "Bouncing Ball" played at Massachusetts Institute of Technology and known to deponent Stephen Russell.
- (e) The video game of Tennis known at the Brookhaven National Laboratories and known to deponent William Higgenbotham.
- (f) The MIDSAC - University of Michigan Pool Game known to deponent Brown.

DATED: _____

May 18, 1982

Granger Cook, Jr.
Granger Cook, Jr.
Edward D. Manzo
COOK, WETZEL & EGAN, LTD.
135 South LaSalle Street
Chicago, Illinois 60603
(312) 236-8500

OF COUNSEL:

Ronald M. Goldman, Esquire
Chief Patent Counsel
Mattel, Inc.
5150 Rosecrans Avenue
Hawthorne, CA 90250

CERTIFICATE OF SERVICE

I certify that this was personally served on attorneys for plaintiffs by hand delivery to the offices of Theodore Anderson and James T. Williams of Neuman, Williams, Anderson & Olson, 77 West Washington Street, Chicago, Illinois 60602, and was served on other parties by mailing respective copies by first class mail, postage prepaid, to the offices of counsel for defendants identified on the attached list, all on 18th day of May, 1982.

Edward D. Manzo
Attorney of Record